



## City of Emmonak

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### **\*\* FOR IMMEDIATE RELEASE \*\***

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August 16, 2016

Contact: Martin B. Moore, Sr., City Manager

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On August 9, 2016, the City of Emmonak held a Special Election to consider two ballot measures: (1) an increase to the City's sales tax (from 3% to 4%); and, a change to Emmonak's local option law. On August 16, 2016, the City Council met to review the election results. Both measures passed. However, the City Council declared the local option election invalid.

Following verification of voter eligibility, which found that 34 voters were not registered to vote, and thus ineligible to vote, the Canvas Committee was not able to identify the questioned ballots in order to remove them from the final ballot count. For the local option question, the preliminary vote total was 133 voting "yes," and 122 voting "no." Because of the close margin, the 34 questioned ballots could have changed the outcome of the election, and the City Council had no choice but to deem the election invalid.

Under Resolution 16-07, the City Council declared the August 9, 2016 local option election invalid and scheduled reconsideration of Emmonak's local option law for its regular election on Tuesday, October 4, 2016.

The City Council certified the sales tax question because it passed by a margin of 70 votes (161 in favor and 91 against). This vote will stand as approved since the 34 invalid questioned ballots would not have changed the outcome. The sales tax increase will take effect September 1, 2016.

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## EMMONAK CITY COUNCIL RESOLUTION 16 - 07

**A RESOLUTION OF THE EMMONAK CITY COUNCIL CERTIFYING RESULTS OF SPECIAL ELECTION OF AUGUST 9, 2016 ON THE SALES TAX QUESTION, DECLARING THE RESULTS OF THE LOCAL OPTION QUESTION INVALID, AND SETTING A NEW DATE FOR RECONSIDERATION OF LOCAL OPTION QUESTION.**

**WHEREAS:** The City held a Special Election on August 9, 2016 following passage of Resolution 16- 04 to consider the change of the local option from AS 04-11.491(a)(5) (prohibition of the sale, importation, and possession of alcoholic beverages) to AS 04.44.491(a)(3)(C) (prohibition of the sale of alcoholic beverages except on premises operated by the City under a package store license), and Ordinance 16- 05 to consider raising the City sales tax from 3 to 4% with the 1% increase dedicated to monthly residential landfill services; and

**WHEREAS:** 255 ballots were cast on the local option question and 252 ballots were cast on the sales tax question in the Special Election; and

**WHEREAS:** Of those ballots cast, 35 were questioned ballots; and

**WHEREAS:** 34 of the 35 ballots cast as questioned ballots were not cast by qualified voters; and

**WHEREAS:** The 34 ballots cast by non-qualified voters must be removed from the total vote count; and

**WHEREAS:** Due to an irregularity in the way the questioned ballots were collected by the City, the 34 ballots cast by non-qualified voters cannot be separated from the validly-cast ballots, and review of the questioned ballots as described in City Code section 2.36.162 cannot be completed; and

**WHEREAS:** The sales tax Ordinance passed by a margin of 70 votes and the 34 votes cast by non-qualified voters would not affect the outcome of that question; and

**WHEREAS:** The local option question passed by a margin of 11 votes and the 34 votes cast by non-qualified voters could affect the outcome of that question; and

**WHEREAS:** The City Council cannot certify the results of the Special Election on the local option question given the issue with the questioned ballots; and

**WHEREAS:** The City Council declares the Special Election results invalid as to the local option question; and

**WHEREAS:** The City Council must reschedule consideration of the local option question.

**NOW THEREFORE BE IT RESOLVED THAT:**

(1) The City Council declares the Special Election results invalid as to the local option question; and

(2) The City Council certifies the results of the sales tax question and Ordinance 16- 05, increasing the City sales tax from 3% to 4% shall go into effect on the date of this Resolution; and

(3) The City Council hereby sets the date for the voters to reconsider the change to the local option for October 4, 2016, the date of the next Regular Election.

**PASSED AND ADOPTED THIS** 16<sup>th</sup> **DAY OF** August **2016.**

  
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Wilbur Hootch, Mayor

**SIGNED AND ATTESTED TO THIS THIS** 16<sup>th</sup> **DAY OF** August **2016.**

**ATTEST:**

  
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Shannon L. Andrew, City Clerk